

PATENT

CERTIFICATE OF MAILING

I hereby certify that on 3/24/05, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in accordance with 37 C.F.R. § 1.8(a) with sufficient postage in an envelope addressed to: Mail Stop Petition, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

Maria Nadal

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Applicant: Matthew J. Birdsall et al.

Serial No.: 10/701,262

Filed: 11/03/2003

Title: METALLIC COMPOSITE COATING
FOR DELIVERY OF THERAPEUTIC
AGENTS FROM THE SURFACE OF
IMPLANTABLE DEVICES

Art Unit: 1742

Atty Docket No.: 51298-00001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION TO MAKE SPECIAL FOR APPLICATIONS RELATING TO BIOTECHNOLOGY FILED BY
APPLICANTS WHO ARE SMALL ENTITIES UNDER 37 CFR 1.17(h)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions to make this application special because a small entity status has been established, and the subject of the patent application is related to biotechnology and is a major asset of the small entity. The development of the technology will be significantly impaired if examination of the patent application is delayed.

The accompanying ☐ affidavit ☒ declaration by the

☐ applicant

☒ applicant's practitioner

explains establishment of small entity and the development of the technology will be significantly impaired if examination of the patent application is delayed.

The Commissioner is authorized to charge \$130 or any fee which may be required in connection with this Petition to deposit account No. 50-3207.

03/29/2005 HALI11 00000024 503207 10701262

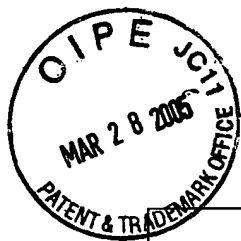
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Dated 3/24/05

Respectfully submitted,

Louis C. Cullman, Reg. No. 39,645
Customer No. 48,423

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF LOUIS C. CULLMAN

REGARDING PETITION TO MAKE SPECIAL FOR APPLICATIONS RELATING TO BIOTECHNOLOGY FILED BY APPLICANTS WHO ARE SMALL ENTITIES UNDER 37 CFR 1.17(H)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Louis C. Cullman, am an intellectual property attorney with the firm of Preston Gates & Ellis LLP. I have been Medlogics Device Corporation's attorney since January 1, 2003.

2. The Applicant respectfully requests that this Petition to Make Special be granted based on the significant improvement in patient therapy that will result from the biologically active agent-eluting medical devices disclosed in this invention's compositions and associated methods. Examples of biologically active agents include cytostatic compounds, cytotoxic compounds and nucleic acids.

3. The present application specifically pertains to the site-specific delivery of biologically active agents from medical devices including the delivery of biologically active agents to blood vessel walls from medical devices, particularly cardiac stents. Biologically active agent-eluting cardiac stents are expected to significantly improve the

standard of care and treatment of coronary artery disease and aneurysms. The biologically active agent technology being developed by Medlogics Device Corporation to deliver these biologically active agents are applicable to a wide range of medical devices.


4. The inventors of the present methods and compositions for creating novel biologically active agent-eluting medical devices have made significant advances in the development of this technology. Those skilled in the art will appreciate that the ability to release biologically active agents locally from medical devices is a significant improvement in the art and will provide improved therapeutics for treatment of human disease.

5. The invention disclosed in the present patent application is a major asset of Medlogics Device Corporation.

6. As a small entity biotechnology company, Medlogics Device Corporation receives its research funding from private individuals and venture capital funds. The firm's intellectual property is the key asset on which this funding depends and therefore the firm's continued research funding for this important invention is dependent on the timely issuance of a United States Patent on the invention.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent.

Dated: 3/24/08



Louis C. Cullman
Registration Number 39,645